

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MOTION OFFENSE, LLC,

Plaintiff,

v.

DROPBOX, INC.,

Defendant.

Civil Action No. 6:20-cv-00251-ADA

JURY TRIAL DEMANDED

MOTION OFFENSE, LLC,

Plaintiff,

v.

DROPBOX, INC.,

Defendant.

Civil Action No. 6:21-cv-00758-ADA

JURY TRIAL DEMANDED

**MOTION OFFENSE, LLC'S RESPONSE AND RESERVATION OF RIGHTS
REGARDING SUBJECT MATTER JURISDICTION**

Dated: February 20, 2024

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TABLE OF CONTENTS

I.	MOTION OFFENSE STANDS BY ITS FEBRUARY 6 SUPPLEMENTAL BRIEF AND RESERVES RIGHT TO SEEK LEAVE TO REPLY TO DROPBOX.....	1
II.	CONCLUSION.....	1

I. MOTION OFFENSE STANDS BY ITS FEBRUARY 6 SUPPLEMENTAL BRIEF AND RESERVES RIGHT TO SEEK LEAVE TO REPLY TO DROPBOX

Because Dropbox deviated from the briefing schedule ordered by the Court, and to avoid burdening the Court with redundant briefing, Motion Offense stands by its February 6, 2024 supplemental brief but reserves the right to seek leave to file a sur-reply to address Dropbox's responsive briefing due today, February 20, 2024, (Dkt. 427).

The Court ordered the parties to file "simultaneous briefs . . . on or before February 6, 2024." (Dkt. 427.) However, Dropbox filed its opening brief on January 30, 2024 without consulting Motion Offense. (Dkt. 428.) This resulted in asynchronous briefing with Motion Offense filing its supplemental brief on the February 6, 2024 deadline set by the Court. (Dkt. 429.) While Motion Offense had only one week, its February 6 brief responded to Dropbox's January 30 brief. To avoid burdening the Court with redundant arguments, Motion Offense stands by its prior brief, (Dkt. 429), but reserves the right to request leave to file a short sur-reply as warranted.

II. CONCLUSION

For at least the reasons set forth in Motion Offense's February 6, 2024 brief, (Dkt. 429), the Court lacks subject matter jurisdiction to enter judgment on Dropbox's affirmative defenses of invalidity including priority for each of U.S. Patent Nos. 10,587,548 and 11,044,215.

Dated: February 20, 2024

Respectfully submitted,

/s/ Andrew Sherman

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2024, a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ Andrew Sherman
Andrew Sherman